



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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## NOTICE OF ALLOWANCE AND FEE(S) DUE

7590 07/03/2003  
GOWLING STRATHY & HENDERSON  
COMMERCE COURT WEST  
SUITE 4900  
TORONTO, M5L1J3  
CANADA

# RECEIVED

AUG 20 2003

TECHNOLOGY CENTER R3700

EXAMINER

CLARKE, SARA SACHIE

ART UNIT

CLASS-SUBCLASS

3743

126-045000

DATE MAILED: 07/03/2003

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/284,983	05/11/1999	D. LEE MANNER	T8463488US	3065

TITLE OF INVENTION: COMBUSTIBLE FUEL SOURCE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$650	\$300	\$950	10/03/2003

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

### HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

☐ Applicant claims SMALL ENTITY status:

See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE  
Commissioner for Patents  
Alexandria, Virginia 22313-1450  
Fax (703)746-4000**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

**CURRENT CORRESPONDENCE ADDRESS** (Note: Legibly mark-up with any corrections or use Block 1)

7590 07/03/2003

**GOWLING STRATHY & HENDERSON  
COMMERCE COURT WEST  
SUITE 4900  
TORONTO, M5L1J3  
CANADA**

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above, or being facsimile transmitted to the USPTO, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/284,983	05/11/1999	D. LEE MANNER	T8463488US	3065
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**TITLE OF INVENTION:** COMBUSTIBLE FUEL SOURCE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$650	\$300	\$950	10/03/2003

EXAMINER	ART UNIT	CLASS-SUBCLASS
CLARKE, SARA SACHIE	3743	126-045000

**1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).**

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

**2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.**

1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_

## **3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)**

**PLEASE NOTE:** Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

**(A) NAME OF ASSIGNEE**

**(B) RESIDENCE: (CITY and STATE OR COUNTRY)**

Please check the appropriate assignee category or categories (will not be printed on the patent) ☐ individual ☐ corporation or other private group entity ☐ government

**4a. The following fee(s) are enclosed:**

- ☐ Issue Fee
- ☐ Publication Fee
- ☐ Advance Order - # of Copies \_\_\_\_\_

**4b. Payment of Fee(s):**

- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Commissioner is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

(Date)

**NOTE:** The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMIT THIS FORM WITH FEE(S)



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CANADA

EXAMINER

CLARKE, SARA SACHIE

ART UNIT

PAPER NUMBER

3743

23

DATE MAILED: 07/03/2003

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The patent term adjustment to date is 0 days. If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the term adjustment will be 0 days.

If a continued prosecution application (CPA) was filed in the above-identified application, the filing date that determines patent term adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system. (<http://pair.uspto.gov>)

Any questions regarding the patent term extension or adjustment determination should be directed to the Office of Patent Legal Administration at (703)305-1383.



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09/284,983	05/11/1999	D. LEE MANNER	T8463488US	3065
7590	07/03/2003		EXAMINER	
GOWLING STRATHY & HENDERSON COMMERCE COURT WEST SUITE 4900 TORONTO, M5L 1J3 CANADA			CLARKE, SARA SACHIE	
			ART UNIT	PAPER NUMBER
			3743	
DATE MAILED: 07/03/2003				

## Notice of Fee Increase on January 1, 2003

If a reply to a "Notice of Allowance and Fee(s) Due" is filed in the Office on or after January 1, 2003, then the amount due will be higher than that set forth in the "Notice of Allowance and Fee(s) Due" since there will be an increase in fees effective on January 1, 2003. See Revision of Patent and Trademark Fees for Fiscal Year 2003; Final Rule, 67 Fed. Reg. 70847, 70849 (November 27, 2002).

The current fee schedule is accessible from: <http://www.uspto.gov/main/howtofees.htm>.

If the issue fee paid is the amount shown on the "Notice of Allowance and Fee(s) Due," but not the correct amount in view of the fee increase, a "Notice to Pay Balance of Issue Fee" will be mailed to applicant. In order to avoid processing delays associated with mailing of a "Notice to Pay Balance of Issue Fee," if the response to the Notice of Allowance and Fee(s) due form is to be filed on or after January 1, 2003 (or mailed with a certificate of mailing on or after January 1, 2003), the issue fee paid should be the fee that is required at the time the fee is paid. If the issue fee was previously paid, and the response to the "Notice of Allowance and Fee(s) Due" includes a request to apply a previously-paid issue fee to the issue fee now due, then the difference between the issue fee amount at the time the response is filed and the previously paid issue fee should be paid. See Manual of Patent Examining Procedure, Section 1308.01 (Eighth Edition, August 2001).

Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

**Notice of Allowability**

Application No.

09/284,983

Examiner

Sara Clarke

Applicant(s)

MANNER, D. LEE

Art Unit

3743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--  
being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included  
or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS  
ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative  
or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

Communication is responsive to the amendment filed June 20, 2003.

Claim(s) is/are 19, 22 and 27-33.

Drawings filed on \_\_\_\_\_ are accepted by the Examiner.

Rejection is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

b) ☐ Some\* c) ☐ None of the:

Certified copies of the priority documents have been received.

Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

Copies of the certified copies of the priority documents have been received in this national stage application from the  
International Bureau (PCT Rule 17.2(a)).

\_\_\_\_\_ is not received: \_\_\_\_\_.

Rejection is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

Translation of the foreign language provisional application has been received.

Rejection is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

THIS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted  
apply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF  
ACTION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

Drawings must be submitted.

Changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

or 2) ☒ to Paper No. 5.

Changes required by the proposed drawing correction filed 13 July 2000, which has been approved by the Examiner.

Changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

\_\_\_\_\_ such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of

OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the  
Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

References Cited (PTO-892)

Draftsperson's Patent Drawing Review (PTO-948)

Information Disclosure Statements (PTO-1449), Paper No. \_\_\_\_\_.

Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

2 ☐ Notice of Informal Patent Application (PTO-152)

4 ☐ Interview Summary (PTO-413), Paper No. \_\_\_\_\_.

6 ☒ Examiner's Amendment/Comment

8 ☐ Examiner's Statement of Reasons for Allowance

9 ☐ Other

*S. Clarke*  
Sara Clarke  
Primary Examiner  
Art Unit: 3743

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

This application is in condition for allowance except for the presence of claims 37 and 38 to the species non-elected without traverse. Accordingly, claims 37 and 38 have been cancelled.

### ***Contact Information***

Any inquiry concerning this or earlier communications from the examiner should be directed to Sara Clarke whose telephone number is (703) 308-1388. The examiner can normally be reached Thursday and Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Bennett can be reached on (703) 308-0101. The fax phone numbers for the organization where this application is assigned are (703) 872-9302 for Before Final communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703) 308-0861.

Sara Clarke  
Primary Examiner  
Art Unit 3743

July 3, 2003



United States Patent and Trademark Office  
2003 Patent Annual Customer Satisfaction Survey

OMB No. 0651-0038  
Expires 05-31-2006

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB number.

You have the option of responding to this survey over the Internet at <http://www.uspto.gov/surveys/surveyLogin.htm>. Please refer to the instructions on the other side of this survey. After you have completed the Internet survey, you do not need to send in this paper survey.

Considering the entire prosecution of the application in which this survey was enclosed, please indicate your level of satisfaction with the legal positions of the examiner with respect to:

- 35 U.S.C. 102 .....  
35 U.S.C. 103 .....  
35 U.S.C. 112 .....  
Restriction Practice .....  
Other .....

Very Dissatisfied	Dissatisfied	Neither Dissatisfied nor Satisfied	Satisfied	Very Satisfied	Not Applicable
①	②	③	④	⑤	⑥
①	②	③	④	⑤	⑥
①	②	③	④	⑤	⑥
①	②	③	④	⑤	⑥
①	②	③	④	⑤	⑥

2 Considering the entire prosecution of the application in which this survey was enclosed, please indicate your level of satisfaction with the following aspects of the search performed:

- Relevance of U.S. Patent Document art cited .....  
Relevance of Foreign Patent Document art cited .....  
Relevance of Non-Patent Literature art cited .....  
How satisfied are you overall with the search performed?.....

Very Dissatisfied	Dissatisfied	Neither Dissatisfied nor Satisfied	Satisfied	Very Satisfied	Not Applicable
①	②	③	④	⑤	⑥
①	②	③	④	⑤	⑥
①	②	③	④	⑤	⑥
①	②	③	④	⑤	⑥

3 a. How satisfied are you with the resolution of any problems that may have occurred during prosecution of this application?

- Very Dissatisfied      Dissatisfied      Neither Dissatisfied nor Satisfied      Satisfied      Very Satisfied      Not Applicable  
①                      ②                      ③                      ④                      ⑤                      ⑥

\*\* If you did not encounter any problems during prosecution, please skip to Question #4. \*\*

b. Please indicate the nature of the problem(s) encountered. (Check all that apply)

- Lost Files      Filing Receipt Errors      Other Document Errors      Examiner Knowledge      Examiner Judgment      Communication      Other  
☐                      ☐                      ☐                      ☐                      ☐                      ☐                      ☐

4 Considering all of your transactions with the Technology Center over the past year, please indicate your level of satisfaction with:

- a. Examiners' actions to advance prosecution .....  
b. Employees' commitment to providing the best possible service .....

Very Dissatisfied	Dissatisfied	Neither Dissatisfied nor Satisfied	Satisfied	Very Satisfied
①	②	③	④	⑤
①	②	③	④	⑤

Considering all of your experiences with the USPTO patent process over the past year, how satisfied are you OVERALL?

- Very Dissatisfied      Dissatisfied      Neither Dissatisfied nor Satisfied      Satisfied      Very Satisfied  
①                      ②                      ③                      ④                      ⑤

6 Please provide any comments you may have about the prosecution and customer service related to the enclosed application.

June, 2003

Dear Patent Recipient

In a continuing effort to measure satisfaction with the patent process and performance standards, the United States Patent and Trademark Office (USPTO) is conducting the Patent Customer Satisfaction Survey for the eighth year. I am writing to strongly encourage your participation in this study.

The reverse side of this letter contains the survey questions. For those of you that have participated in past surveys, you will notice that we have drastically reduced the number of questions we are asking. Based on comments received, we are focusing this year's survey on three key areas:

- Written communications regarding the legal position of the examiner;
- Search; and
- Problem resolution.

#### Survey Instructions

The survey is voluntary. You were randomly selected to complete this survey from our database of customers who have recently received a patent in the **Mechanical Engineering, Manufacturing, and Products (3700)** technology area, either for themselves or on behalf of a client, in 2003. While we recognize that you may file patent applications in a variety of areas or receive multiple patents, we would like you to focus only on your experiences with the patent referenced in this mailing. Choose only one response for each question unless directed otherwise. A pre-addressed, postage-paid envelope is provided for you to return the completed survey.

Although this is a paper survey, you have the option of completing it electronically over the Internet. I encourage you to choose the Internet option.

To take the Internet survey, enter the URL <http://www.uspto.gov/surveys/surveyLogin.htm> and follow the directions below. If you respond to this survey using the Internet, please discard this paper survey.

1. Indicate which technology area this survey pertains to. The survey you have received pertains to: **Mechanical Engineering, Manufacturing, and Products (3700)**.
2. Enter the User Name: **patents**
3. Enter the 8-digit Survey ID shown below

Survey ID:

09 284 983

4. Enter the password (case sensitive): **gXn886B**

Your prompt response to the survey, either by Internet or mail, is greatly appreciated.

#### Confidentiality

Be assured that all of your responses, either collected over the Internet or by mail, will remain confidential. Data will be used and published in summary format only. Because you are a valued customer to the USPTO, your opinions are very important to us and will be used to guide our future action planning.

#### Use of Survey Results

Based on the results of the previous surveys, we have implemented new initiatives to improve customer satisfaction and we have targeted others for implementation in the near future. Last year's survey results are available on the USPTO Web Page at "[www.uspto.gov/ccrs/ccrdocument/ccr2002.pdf](http://www.uspto.gov/ccrs/ccrdocument/ccr2002.pdf)".

#### Questions?

If you have questions about completing the survey, or comments about improving the survey process or instruments, please contact Martin Rater, USPTO Center for Quality Services, on 703-305-4220 or via email at [martin.rater@uspto.gov](mailto:martin.rater@uspto.gov).

Thank you in advance for your participation.

Sincerely,

Nicholas P. Godici

Nicholas P. Godici  
Commissioner for Patents

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB number. The OMB number for this survey is 0631-0038 and expires 05-31-2006. This collection of information is requested as part of the USPTO's efforts to gauge customer satisfaction with the USPTO's products, services, and related service standards. The responses will be aggregated and used by the USPTO to develop customer satisfaction improvement strategies. This collection of information is voluntary in accordance with E.O. 12862, "Setting Customer Service Standards for the Patent and Trademark Office." This survey is estimated to take approximately 5 minutes to complete, including the time to gather the information and complete the survey. If you have any comments or recommendations for reducing its length, send them to Chief Information Officer, United States Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.



**REVISED AMENDMENT PRACTICE: 37 CFR 1.121 CHANGED  
COMPLIANCE IS MANDATORY - Effective Date: July 30, 2003**

All amendments filed on or after the effective date noted above must comply with revised 37 CFR 1.121. See Final Rule: **Changes To Implement Electronic Maintenance of Official Patent Application Records** (68 Fed. Reg. 38611 (June 30, 2003), posted on the Office's website at: <http://www.uspto.gov/web/patents/ifw/> with related information. The amendment practice set forth in revised 37 CFR 1.121, and described below, replaces the voluntary revised amendment format available to applicants since February 2003. **NOTE: STRICT COMPLIANCE WITH THE REVISED 37 CFR 1.121 IS REQUIRED AS OF THE EFFECTIVE DATE (July 30, 2003).** The Office will notify applicants of amendments that are not accepted because they do not comply with revised 37 CFR 1.121 via a Notice of Non-Compliant Amendment. See MPEP 714.03 (Rev. 1, Feb. 2003). The non-compliant section(s) will have to be corrected and the entire corrected section(s) resubmitted within a set period.

**Bold underlined italic font has been used below to highlight the major differences between the revised 37 CFR 1.121 and the voluntary revised amendment format that applicants could use since February, 2003.**

Note: The amendment practice for reissues and reexamination proceedings, except for drawings, has not changed.

**REVISED AMENDMENT PRACTICE**

**I. Begin each section of an amendment document on a separate sheet:**

Each section of an amendment document (e.g., Specification Amendments, Claim Amendments, Drawing Amendments, and Remarks) must begin on a separate sheet. Starting each separate section on a new page will facilitate the process of separately indexing and scanning each section of an amendment document for placement in an image file wrapper.

**II. Two versions of amended part(s) no longer required:**

37 CFR 1.121 has been revised to **no longer require two versions** (a clean version and a marked up version) of each replacement paragraph or section, or amended claim. Note, however, the requirements for a clean version and a marked up version for **substitute specifications** under 37 CFR 1.125 have been retained.

**A) Amendments to the claims:**

Each amendment document that includes a change to an existing claim, cancellation of a claim or submission of a new claim, must include a complete listing of all claims in the application. After each claim number in the listing, the status must be indicated in a parenthetical expression, and the text of each pending claim (with markings to show current changes) must be presented. The claims in the listing will replace all prior claims in the application.

- (1) The current status of all of the claims in the application, including any previously canceled, not entered or withdrawn claims, must be given in a parenthetical expression following the claim number using only one of the following seven status identifiers: (original), (currently amended), (canceled), (withdrawn), (new), **(previously presented) and (not entered)**. The text of all pending claims, **including withdrawn claims**, must be submitted each time any claim is amended. Canceled **and not entered** claims must be indicated by only the claim number and status, without presenting the text of the claims.
- (2) The text of all claims **being currently amended** must be presented in the claim listing with markings to indicate the changes that have been made relative to the immediate prior version. The changes in any amended claim must be shown by underlining (for added matter) or strikethrough (for deleted matter) with 2 exceptions: (1) for **deletion of five characters or fewer, double brackets may be used (e.g., [feroor]); and (2) if strikethrough cannot be easily perceived (e.g., deletion of the number "4" or certain punctuation marks), double brackets must be used (e.g., [[4]]).** As an alternative to using double brackets, however, **extra portions of text may be included before and after text being deleted, all in strikethrough, followed by including and underlining the extra text with the desired change (e.g., number 4 as number 14 as).** An accompanying clean version is not required and should not be presented. Only claims of the status "currently amended," and "withdrawn" that are being amended, may include markings.
- (3) The text of pending claims **not being currently amended, including withdrawn claims**, must be presented in the claim listing in clean version, i.e., without any markings. Any claim text presented in clean version will constitute an assertion that it has not been changed relative to the immediate prior version except to omit markings that may have been present in the immediate prior version of the claims.

- (4) A claim being canceled must be listed in the claim listing with the status identifier “canceled”; the text of the claim must not be presented. Providing an instruction to cancel is optional.
- (5) Any claims added by amendment must be presented in the claim listing with the status identifier “(new)”; the text of the claim must not be underlined.
- (6) All of the claims in the claim listing must be presented in ascending numerical order. Consecutive canceled, or not entered, claims may be aggregated into one statement (e.g., Claims 1 – 5 (canceled)).

**Example of listing of claims (use of the word “claim” before the claim number is optional):**

Claims 1-5 (canceled)

Claim 6 (previously presented): A bucket with a handle.

Claim 7 (withdrawn): A handle comprising an elongated wire.

Claim 8 (withdrawn): The handle of claim 7 further comprising a plastic grip.

Claim 9 (currently amended): A bucket with a ~~green~~ blue handle.

Claim 10 (original): The bucket of claim 9 wherein the handle is made of wood.

Claim 11 (canceled)

Claim 12 (not entered)

Claim 13 (new): A bucket with plastic sides and bottom.

**B) Amendments to the specification:**

Amendments to the specification, including the abstract, must be made by presenting a replacement paragraph or section or abstract marked up to show changes made relative to the immediate prior version. An accompanying clean version is not required and should not be presented. Newly added paragraphs or sections, including a new abstract (instead of a replacement abstract), must not be underlined. A replacement or new abstract must be submitted on a separate sheet, 37 CFR 1.72. If a substitute specification is being submitted to incorporate extensive amendments, both a clean version (which will be entered) and a marked up version must be submitted as per 37 CFR 1.125.

The changes in any replacement paragraph or section, or substitute specification must be shown by underlining (for added matter) or strikethrough (for deleted matter) with 2 exceptions: (1) for deletion of five characters or fewer, double brackets may be used (e.g., [[feroor]]); and (2) if strikethrough cannot be easily perceived (e.g., deletion of the number “4” or certain punctuation marks), double brackets must be used (e.g., [[4]]). As an alternative to using double brackets, however, extra portions of text may be included before and after text being deleted, all in strikethrough, followed by including and underlining the extra text with the desired change (e.g., number 4 as number 14 as)

**C) Amendments to drawing figures:**

Drawing changes must be made by presenting replacement figures which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments, or remarks, section of the amendment, and may be accompanied by a marked-up copy of one or more of the figures being amended, with annotations. Any replacement drawing sheet must be identified in the top margin as “Replacement Sheet” and include all of the figures appearing on the immediate prior version of the sheet, even though only one figure may be amended. Any marked-up (annotated) copy showing changes must be labeled “Annotated Sheet Showing Changes” and accompany the replacement sheet as an appendix to the amendment. The figure or figure number of the amended drawing(s) must **not** be labeled as “amended.” If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Questions regarding the submission of amendments pursuant to the revised practice set forth in this flyer should be directed to: Elizabeth Dougherty or Gena Jones, Legal Advisors, or Joe Narcavage, Senior Special Projects Examiner, Office of Patent Legal Administration, by e-mail to [patent.practice@uspto.gov](mailto:patent.practice@uspto.gov) or by phone at (703) 305-1616.